THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 155 of 2006

Smt. Swatantrata Goyal,
W/O Sri Anil Kumar Goyal,
C/O Satya Prakash Gupta, 23 Dharampur,
District Dehradun.

….. **Petitioner.**

Versus

1. Additional District Judge /VII FTC, Dehradun
2. Civil Judge (Senior Division) Dehradun
3. Kendriaya Vidyalaya Sangthan through its
   Assistant Commissioner, Administration,
   18 Institutional Area, Sahid Jeet Singh Marg
   Dehradun.
4. Principal Kendriya Vidyalaya, Raiwala, Dehradun.

… **Respondents.**

Sri M.C. Pant, Adv., learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the State-respondents.
Sri Ashok Aggrawal, Asstt. S.G. learned counsel for respondents 3 & 4.

Dated March 02, 2006.

Hon'ble B.S. Verma, J.

Heard learned counsels.

The petitioner has filed this writ petition for quashing the order dated 19-10-2005 (Annexure No.1 to the writ petition) whereby the respondent no.1 has recalled the earlier order dated 16-7-2004 passed in Misc. Civil Appeal No. 195 of 1998, Kendriya Vidyalaya Vs. Smt. Swatantrata Goyal.

Learned counsel for the petitioner has sated that the order dated 19-10-2005 is an ex-parte order. The petitioner was not heard by the learned Additional District Judge, VII F.T.C. Dehradun in Misc. Civil Appeal No. 195 of 1998, Kendriya Vidyalaya Vs. Smt. Swatantrata Goyal.

It reveals from the perusal of the impugned order that the parties were not present before the respondent no. 1 on 19-10-2005 and it is an ex-parte order. The ex-parte order passed by the respondent no.1 (Annexure No. 1) is hereby set aside. The respondent no.1 is directed to decide the Misc. Civil Appeal No. 195 of 1998 after hearing both the parties within a period of six weeks from the date of production of certified copy of this order.

Till the decision of the said Misc. Civil Appeal No. 195 of 1998, the order dated 16.11.1998 passed by the Civil Judge (Senior Division) Dehradun (Annexure No. 9) passed in Original Suit No. 778 of 1998 Smt. Swatantrata Goyal Vs. Kendriya Vidyalaya Sangthan and 2 other shall remain in operation.

With the said observation, the writ petition is disposed of finally.

(B.S. Verma, J.)

RCP